

(8)

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

STAMBAUGH'S AIR SERVICE, INC.,

Plaintiff :
v. : CASE NO. 1:CV-00-0660
: :
SUSQUEHANNA AREA REGIONAL : Judge Yvette Kane
AIRPORT AUTHORITY, BAA : Magistrate Judge J. Andrew Smyscr ✓
HARRISBURG, INC., DAVID FLEET, :
individually, DAVID HOLDSWORTH, :
individually, and DAVID C. MCINTOSH, :
individually,
Defendants :
.....

FILED
HARRISBURG, PA

MAY 23 2000

MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF FIFTEEN (15) PAGES Per MARY E. D'ANDREA, CLERK
Deputy Clerk

Defendants Susquehanna Area Regional Airport Authority ("SARAA"), BAA Harrisburg, Inc. ("BAA"), David Fleet ("Fleet"), David Holdsworth ("Holdsworth") and David C. McIntosh ("McIntosh"), (collectively "Defendants"), by and through their attorneys, Rhoads & Simon LLP, pursuant to Local Rule 7.8, and file the within Motion for Leave to File Brief in Excess of Fifteen (15) Pages, as follows:

1. On or about April 10, 2000, Plaintiff instituted the instant action by filing its Complaint.

2. In the Complaint, Plaintiff advances seven (7) independent Counts, arising under both federal and state law, against five (5) separate Defendants. The Complaint contains 237 paragraphs.

3. The Complaint alleges violations of Plaintiff's state and federal substantive due process and equal protection rights, and state law claims for conspiracy, violation of the Pennsylvania Municipality Authorities Act, and tortious interference with existing contractual relationships.

4. On May 19, 2000, Defendants have filed their Motion to Dismiss Plaintiff's Complaint and are in the process of preparing their Brief in Support of the Motion to Dismiss. The Brief is due on or before May 30, 2000.

5. Local Rule 7.8 provides that briefs on pretrial motions are limited to fifteen (15) pages unless specifically authorized by the Judge in a particular case.

6. Based on the number of claims advanced by Plaintiff, the arguments raised by Defendants in their Motion to Dismiss, and the complexity of the issues presented, Defendants Brief in Support of its Motion to Dismiss will be in excess of fifteen (15) pages.

7. Defendants will be prejudiced if they are unable to assert arguments in their Brief in Support of Motion to Dismiss because of the page limitation.

8. Defendants' Brief in Support of their Motion to Dismiss will not exceed thirty-five (35) pages and Defendants will endeavor to keep the Brief as short as possible. Counsel for

the parties discussed this Motion and agreed that each party would consent to a page extension not to exceed thirty-five (35) pages.

WHEREFORE, Defendants Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh respectfully request that this Honorable Court grant the within Motion and allow the Defendants leave to file a Brief in Support of Motion to Dismiss not to exceed thirty-five (35) pages.

Respectfully Submitted,

RHOADS & SINON LLP

By:

Dean F. Piermattei
Timothy J. Nieman
Susan E. Schwab
One South Market Square
P. O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731

Attorneys for Defendants

Date: May 23, 2000

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

STAMBAUGH'S AIR SERVICE, INC., :
v. :
Plaintiff :
: CASE NO. 1:CV-00-0660
: v.
SUSQUEHANNA AREA REGIONAL :
AIRPORT AUTHORITY, BAA : Judge Yvette Kane
HARRISBURG, INC., DAVID FLEET, : Magistrate Judge J. Andrew Smyser
individually, DAVID HOLDSWORTH, :
individually, and DAVID C. MCINTOSH, :
individually,
Defendants :
..... :

CERTIFICATION OF CONCURRENCE

I, Dean F. Piermattei, certify that I, as counsel for Defendants, communicated with Plaintiff's counsel regarding Defendants' Motion for Leave to File Brief in Excess of Fifteen (15) Pages and that Plaintiff's counsel has advised that he concurs with the Motion.

Respectfully Submitted,

RHOADS & SINON LLP

By:

Dean F. Piermattei
Timothy J. Nieman
Susan E. Schwab
One South Market Square
P. O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2000, a true and correct copy of the foregoing Motion for Leave to File a Brief in Excess of Fifteen (15) Pages was served by means of United States mail, first class, postage prepaid, upon the following:

Thomas B. Schmidt, III, Esquire
Brian P. Downey, Esquire
Randy L. Varner, Esquire
Pepper Hamilton LLP
200 One Keystone Plaza
North Front and Market Streets
P. O. Box 1181
Harrisburg, PA 17108-1181



Carolyn H. Decker